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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|-----------------|-------------|----------------------|---------------------|------------------|
| 09/301,438      | 04/28/1999  | CHRISTOPHER K. WOLF  | NS-3799US           | 5559             |

24251 7590 07/30/2002

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EXAMINER

NGUYEN, STEVEN H D

|          |              |
|----------|--------------|
| ART UNIT | PAPER NUMBER |
|----------|--------------|

2665

DATE MAILED: 07/30/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

|                              |                 |              |
|------------------------------|-----------------|--------------|
| <b>Office Action Summary</b> | Application No. | Applicant(s) |
|                              | 09/301,438      | WOLF ET AL   |
| Examiner                     | Art Unit        |              |
| Steven HD Nguyen             | 2665            |              |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

1) Responsive to communication(s) filed on 28 April 1999.

2a) This action is **FINAL**.      2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

4) Claim(s) 1-38 is/are pending in the application.

4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

5) Claim(s) \_\_\_\_\_ is/are allowed.

6) Claim(s) 1-12 and 21-34 is/are rejected.

7) Claim(s) 12-20 and 35-38 is/are objected to.

8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on \_\_\_\_\_ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a) All b) Some \* c) None of:

1. Certified copies of the priority documents have been received.

2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).

a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

1) Notice of References Cited (PTO-892)

2) Notice of Draftsperson's Patent Drawing Review (PTO-948)

3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.

4) Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_.

5) Notice of Informal Patent Application (PTO-152)

6) Other: \_\_\_\_\_.

## **DETAILED ACTION**

### ***Specification***

1. The abstract of the disclosure does not commence on a separate sheet in accordance with 37 CFR 1.52(b)(4). A new abstract of the disclosure is required and must be presented on a separate sheet, apart from any other text.

### ***Claim Objections***

2. Claim 5 is objected to because of the following informalities:

As claim 5, line 2, claim 6, lines 2, “a” should be changed to – the --. Appropriate correction is required.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 21-23 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As claims 21-22, “the first buffer” is vague and indefinite because it does not refer to any previous element. Furthermore, the claims do not recite the second buffer.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1 and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maturi (USP 5559999) in view of Oda (USP 6157674).

Maturi discloses a decoder system (Fig 1-11 and Col. 1, lines 8 to col. 8, lines 49) comprising a stream demultiplexer (Fig 3, ref 22) for demultiplexing transport stream and storing the demultiplexed data in a data buffer (Fig 3, Ref 20), said stream demultiplexer further generating messages about the stored data and their location in the data buffer (Fig 3, ref 20b and 20d is a location of the data in the buffer and data type “video or audio”, see Fig 4); and a control unit (Fig 3, Ref 18 for receiving the location tag and time stamp and using this information to retrieve the stored data) for receiving the generated messages and providing in response thereto instructions about the stored data (See col. 5, lines 34 to col. 6, line 19). However, Maturi fails to disclose a demultiplexer for depacketizing data bytes for storing in the buffer. Oda discloses a demultiplexer, which includes a depacketizer for depacketizing the mpeg signal and storing into the buffer (Fig 2, Ref 20 demultiplexes and depacktizes the mpeg signal and stores into the buffer 220 and 228).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a packetizer into a demultiplexer for depacketizing the mpeg signal

before storing into buffer as disclosed by Oda into Maturi's decoder. The motivation would have been to prevent under or overflow of the buffer.

7. Claims 2-12 and 25-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over Maturi and Oda as applied to claims 1 and 24 above, and further in view of Suzuki (USP 6148135).

Regarding claims 2-12 and 25-34, Maturi and Oda fail to disclose the claimed invention; Maturi discloses (Fig 1-11 and Col. 1, lines 8 to col. 8, lines 49) the data bytes are stored on tags that includes a time stamp and their location (Fig 4); control unit responds to the video tag during the synchronous time for generating a location in the buffer (Fig 4, tag 000, pointer 000) and using this location to transmit the data from the buffer to decoder (Fig 3, Ref 26 decoder receives data from buffer according to the decoding time, col. 7, lines 28-36) and control unit generates task definition packets for decode by the video decoder during the next synchronization cycle, said synchronization cycle defined as the time period between two successive synchronization signals (col. 8, lines 6-48); steady state and during the normal operating conditions of the decoder system, control unit is interrupted only during the occurrence of a synchronization signal for audio and video decode and presentation, video decoder fetches and decodes data only in response to the existence of a task definition packet (Fig 4 and col. 7, lines 5-63), control unit is central unit, video decoder, audio encoder (Fig 3, ref 18, 26 and 28). In the same field of endeavor, Suzuki discloses (Fig 1-22 and col. 1, lines 10 to col. 25, lines 67) a transport stream being retrieves from a DVD (Col. 1, lines 2-43) and also discloses a DVD data storing on tags that a time stamp and their location in the buffer (Fig 6, col. 14, lines 19 to col. 16, lines 40); control unit responds to the video tag during the synchronous time for generating a location in

the buffer (Fig 6, 74) and using this information to forward the data to the decoder for decoding the data according to the decoding time (Ref 50, decoder receives the data from buffer according to the decoding time stamp “specific time”, Fig 7, 71).

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to apply a source such DVD or DVB to transmit the transport stream to the decoder as disclosed by Suzuki into Maturi and Oda. Even without Suzuki’s teaching, one of ordinary skill in the would art have recognized that a transport stream is broadcasted/transmitted from a DVD and satellite. The motivation would have been to obtain a quality picture.

#### ***Allowable Subject Matter***

8. Claims 13-20 and 35-38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

9. Claims 21-23 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, second paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.

#### ***Conclusion***

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Kawamura (USP 6151441) discloses a method and apparatus for demultiplexing and decoding the audio and video data.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Steven HD Nguyen whose telephone number is (703) 308-8848. The examiner can normally be reached on 8-5.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy D Vu can be reached on (703) 308-6602. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9314 for regular communications and (703) 872-9314 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.



Steven HD Nguyen  
Primary Examiner  
Art Unit 2665  
July 28, 2002